

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

James Gordon Gibson,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 2:14-1160-MGL
	)	
PSO Meyers, <i>Public Safety Officers, et al.</i> ,	)	
	)	<b>ORDER</b>
Defendants.	)	

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On March 28, 2014, the Plaintiff, James Gordon Gibson (“Plaintiff”), proceeding *pro se*, brought this civil action seeking relief pursuant to 42 U.S.C. § 1983. (ECF No. 1). The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by Magistrate Judge Mary Gordon Baker, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that Plaintiff’s complaint be dismissed *with prejudice* for lack of prosecution and for failure to comply with court orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and other cited authorities. (ECF No. 49). Plaintiff filed an Affidavit on March 4, 2015, construed as an Objection to the Report, (ECF No. 51), to which Defendants filed a Reply. (ECF No. 52). The matter is now ripe for review.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district

court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In light of the standards set forth above, the Court has reviewed, *de novo*, the Report, the Plaintiff’s “Objection,” as well as the Defendants’ Reply. The Court has undertaken this *de novo* review, even though Plaintiff’s “Objection” is non-specific in nature and does not meaningfully address the core grounds cited by the Magistrate Judge for dismissal (i.e. the Plaintiff’s repeated failure to respond to Defendants’ long-pending Motion for Summary Judgment).

As the Magistrate Judge sets out in the Report, Defendants’ Motion for Summary Judgment was filed on November 21, 2014, (ECF No. 40), and Plaintiff was advised by Roseboro order that if he did not respond by January 1, 2015, his case would be subject to dismissal. (ECF No. 41). After Plaintiff did not respond in the allotted time, Plaintiff was again alerted by Order dated January 22, 2015, (ECF No. 47), that if he did not respond by February 11, 2015, his case would be subject to dismissal for failure to prosecute and failure to abide by court orders. Again, Plaintiff did not respond as directed.

In his “Affidavit” of March 4, 2015, docketed as an “Objection” to the Report, (ECF No. 51), Plaintiff maintains that he filed not one but two responses to the Defendants’ Motion for Summary Judgment, but there is simply no record of any such filings in the docket. Indeed, as of the date of this Order, Plaintiff has *still* not furnished to this Court a response or opposition to Defendants’ Motion for Summary Judgment.

Based on all of the foregoing, the Court concurs with the reasoning of the Magistrate Judge and adopts the Report and incorporates it herein by reference, (ECF No. 49), overruling Plaintiff’s Objection. (ECF No. 51). It is hereby **ORDERED** that the Magistrate Judge’s Report

and Recommendation is **ACCEPTED**, (ECF No. 49), and Plaintiff's complaint is **DISMISSED** *with prejudice* for failure to prosecute and failure to comply with court orders. Defendants' Motion for Summary Judgment, (ECF No. 40), is consequently terminated as **MOOT**.

**IT IS SO ORDERED.**

s/Mary G. Lewis  
United States District Judge

April 13, 2015  
Columbia, South Carolina